

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

M. JODI RELL
GOVERNOR

June 23, 2009

The Honorable Susan Bysiewicz
Secretary of the State
20 Trinity Street
Hartford, CT 06106

Dear Secretary Bysiewicz:

I am returning to you without my signature Senate Bill 3, *An Act Prohibiting the Acquisition or Use of Certain Parcels of Land as Ash Residue Disposal Areas and Concerning the Operation of a Food-Waste-to-Energy Plant*.

This bill would prevent the Connecticut Resources Recovery Authority (CRRRA) or any other entity from establishing an ash residue disposal area on specified sites in Franklin and Windham. It would also prohibit the issuance of a certificate of environmental compatibility and public need or a permit for the construction or operation of a solid waste facility to Chestnut Hill BioEnergy for a food-waste-to-energy plant in Waterbury.

Current State law contains a comprehensive process for approval of such facilities, including mandated participation by state agencies including the Departments of Environmental Protection, Transportation and Public Health, the Siting Council and affected municipalities. This process originally was enacted in 1971 and evolved to include the creation of the Connecticut Siting Council in 1981. The purpose of this comprehensive process is to ensure that siting decisions are made in an objective and scientific manner, with due regard for protection of the environment and without political consideration or interference. This statutory framework has served us well in the past and I see no reason why exceptions should be made for these facilities.

Explicitly removing these projects from the established procedure is wrong-headed. It would establish a dangerous precedent and introduce a political element into the decision-making process. The Legislative and Executive branches of our State government have spent years developing and implementing this process, which includes notice, public comment, municipal participation, due diligence and appropriate oversight. For example, before an ash residue disposal area can be built in Franklin, a study must be conducted to determine the size of the aquifer below the site. This information then is used to determine whether the aquifer can provide a source of potable water, and whether it is large enough to filter the discharge from the facility. In the case of the Franklin site, this determination has not yet been made.

If the site can potentially serve as a source of potable water, the Department of Environmental Protection (DEP) will not allow the facility to be built on that site. The CRRA has not yet submitted an application for the Franklin facility. Once the application has been submitted, the DEP has one year to approve or deny the application.

Let me be clear: My veto should in no way be interpreted as support for building an ash landfill in Franklin. I remain resolutely unconvinced that such a landfill is needed at all, particularly with an already operational ash landfill just a few miles away – a landfill with at least fifteen years of useful life remaining and a landfill that has more acreage for expansion than the Franklin site would have for all its operations. The Franklin site is irreplaceable farmland/open space and I would urge the CRRA to explore other options. Our responsibility as stewards of our environment necessarily includes prudent land management.

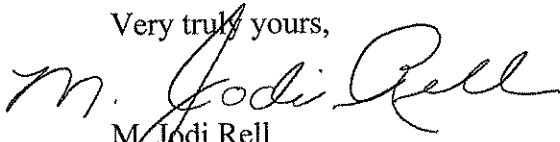
Nor should my veto be interpreted as support for or opposition to the Waterbury project. Again, the underlying concerns that I have expressed above with respect to the Franklin project apply as well to the Waterbury project. The Chestnut Hill BioEnergy facility should receive the same level of analysis and vetting that the Franklin facility and all other projects that are subject to the siting process receive.

That said, it is clear that this bill is not necessary to forestall imminent action on these proposed facilities. Indeed, it is not clear that either of these facilities will ever be built. If we allow decisions to be made on these projects outside of the statutorily delineated process, we undermine the process that we have put in place and invite additional special act legislation to approve or disapprove individual projects.

I fully understand and appreciate the concerns of those living in Franklin and those living along the route to and from the site of the proposed facilities, but as elected officials and the makers of public policy for our State we must exhibit the leadership that our constituents expect of us. We must, for the good of all of our residents, focus on the broader issues and engage in sound public policy. With respect to the projects referenced in Senate Bill 3, the best public policy is to allow these projects to follow the established statutory process, including the objective evaluation of the project on the merits, without legislative interference.

For these reasons and pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut and Article III of the Amendments to the Constitution of the State of Connecticut, I am returning Senate Bill 3 without my signature.

Very truly yours,


M. Jodi Rell
Governor